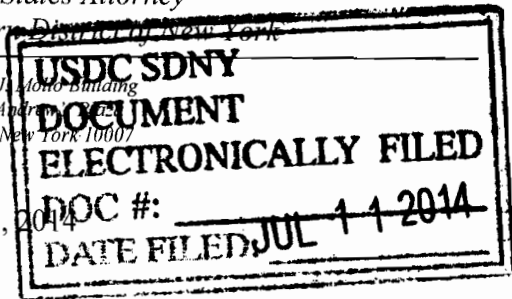




U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew Place  
New York, New York 10007



BY ECF

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street, Suite 755  
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Daniel Bonventre, et al.*  
No. S10 10 Cr. 228 (LTS)

Dear Judge Swain:

We write to request two small changes to the current briefing schedules.

*First*, we respectfully request that the Government be permitted to file its sentencing memorandum on July 18, 2014. Currently, the Government's submissions are due on July 16, 17, and 18. Having now received and reviewed four of the five defense submissions (the last is due later today), the Government's present intention is to submit a single sentencing memorandum covering all five defendants, rather than five separate submissions. We therefore propose to file that submission next Friday, July 18, which is one week after the final defense submission is received. The defendants' reply submissions, if any, can then be submitted one week later, by July 25, 2014.<sup>1</sup> Four of the five defendants consent to this modification; we have not heard back from counsel for George Perez.<sup>2</sup>

*Second*, we respectfully request that the Court make a slight modification to the forfeiture briefing schedule, in view of the request made earlier today by counsel for Daniel Bonventre for an extension. In his letter, Mr. Frisch asked for an extension from July 14 to July 17, noting that he understood that the last defendants' forfeiture opposition papers are currently due on the 17th. In fact, the defendants' forfeiture papers are currently due on July 14, 15, and 16, with the Government to reply almost immediately on July 18, 19, and 20 (the latter two days being weekend days). *See* ECF No. 1040. We have no objection, however, to the requested extension. But the Government proposes – in light of Mr. Frisch's request and given the Court's own intervening order requiring the defendants to submit a joint brief on common forfeiture issues,

<sup>1</sup> The Court's June 30, 2014 scheduling order (ECF No. 1040) does not explicitly permit a sentencing reply from the defendants. When the Court initially set the briefing schedule, however, it did contemplate a reply. (*See* Trial Tr. at 12204).

<sup>2</sup> We note that the Government's sentencing submission with respect to Mr. Perez is already due on July 18th.

*see* ECF No. 1052 – that the Court simply allow all defendants to make their forfeiture submission on July 17, 2014, including the joint submission. The Government proposes to then file a consolidated reply on Monday, July 21, 2014. This has the effect of making the forfeiture issues fully-submitted to the Court only one day later than in the initial schedule, but with the significant added efficiency of receiving the joint defense brief and a consolidated Government reply. With respect to this application, we solicited the defendants' views and have heard back only from counsel for Joann Crupi, who consents.

In sum, the Government respectfully requests that the Court amend its existing scheduling orders as follows:

Defense Forfeiture Submissions (including a joint submission on common issues)	July 17, 2014
Government Sentencing Submission	July 18, 2014
Government Forfeiture Reply	July 21, 2014
Defense Sentencing Replies	July 25, 2014

The parties will then appear before the Court on July 25th at 2:15 PM to address forfeiture issues, and on July 28th, 29th, and 30th for sentencing, as previously scheduled.

Thank you for your consideration of these requests.

Respectfully submitted,

/s/ Matthew L. Schwartz  
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 Tel.: (212) 637-1945

cc: BY ECF

All defense counsel

*The proposed modified  
 schedule is approved.*

**SO ORDERED:**

  
 HON. LAURA TAYLOR SWAIN  
 UNITED STATES DISTRICT JUDGE